

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03-MDL-1570 (GBD)(SN) ECF Case
This document relates to: <i>Anderson, et al. v. Islamic Republic of Iran</i> (member case of <i>Federal Insurance Co., et al. v. al Qaida et al.</i> , No. 03-cv-06978 and <i>Ashton, et al. v. al Qaeda Islamic Army, et al.</i> , No. 02-cv-06977)	20-cv-00354 ECF Case

**DECLARATION OF BARRY SALZMAN IN SUPPORT OF
THE *ANDERSON (ASHTON AND FEDERAL INSURANCE)* PLAINTIFFS’
MOTION FOR PARTIAL FINAL JUDGMENTS**

Barry Salzman, Esq., hereby states under penalty of perjury that:

1. I am an attorney representing the *Anderson* Plaintiffs in the above-captioned litigation.
2. I submit this declaration in support of the present motion for entry of partial final judgments against the Islamic Republic of Iran (“Iran”) on behalf of the Plaintiffs listed in the exhibits attached hereto as Exhibits A and B.
3. The source of information and the basis for belief in the statements contained herein are my representation of the *Anderson* Plaintiffs listed in Exhibits A and B, my work in connection with the September 11th Terrorist Attacks, my firm’s files, communications with the family members of the individuals killed as a result of the September 11th Terrorist Attacks, as well as other court records relating to this multi-district litigation. Any matters about which I lack personal knowledge are asserted herein upon information and belief.
4. I have been retained by the Plaintiffs described in Exhibits A and B to pursue recovery for their wrongful death damages and *solatium* injuries arising out of the deaths of the

decedents. I have verified that the decedents listed in Exhibit B died as a result of the September 11th Terrorist Attacks, that the Plaintiffs listed in Exhibit A are immediate family members of decedents who died as a result of the September 11th Terrorist Attacks,¹ and that each family member listed in Exhibit A did in fact suffer *solatium* losses as a result of the injuries to the September 11th attack decedent that resulted in the decedent's death.² I have verified with information provided by the Plaintiffs' Executive Committee that the *Anderson* Plaintiffs have neither sought nor recovered any of the damages requested in the present motion for entry of partial final judgments, nor do any of them have a pending motion before this Court for compensation arising out of the September 11th Terrorist Attacks.

5. Attached to this Declaration as Exhibits C and D are true and correct copies of documents establishing for each decedent that the decedent's death was caused by the September 11th Attacks.³

6. With respect to each estate plaintiff, the personal representative has confirmed that he or she was appointed by the relevant court as the personal representative of the decedent.

7. Simultaneously filed herewith is a "[Proposed] Order of Partial Final Default Judgments on Behalf of *Anderson* Plaintiffs Identified at Exhibits A and B" conforming with the

¹ Due to uncertainties regarding potential limitations on recovery from the September 11 Victim's Compensation Fund for certain direct victims of the September 11th Terrorist Attacks, the personal representatives for the estates of certain individuals killed as a result of those attacks have not filed claims for those estates in this litigation at this time, but certain family members of those decedents have filed claims. Accordingly, while each family member listed in Exhibit A has a compensable claim for damages for his or her pain and suffering, not every family member listed in Exhibit A corresponds to a decedent listed in Exhibit B.

² Exhibit A also includes the estates of *solatium* plaintiffs who are now deceased; in each case, the *solatium* plaintiff suffered *solatium* losses prior to his or her death as a result of the injuries to the September 11th attack decedent that resulted in that decedent's death.

³ The attached Exhibits contain documentation from the September 11th Victim Compensation Fund administered by the U.S. Department of Justice, which adjudicates claims for victims eligible for compensation due to injuries suffered "as a direct result" of the September 11th Terrorist Attacks and their aftermath. 28 CFR §104.2. Accordingly, attached to this Declaration is (1) the regulatory authority and VCF documentation establishing the criteria for eligibility for compensation from the VCF; and (2) for each *Anderson* Plaintiff who died as a result of the September 11th Terrorist Attacks, the official letter from the Special Master of the 9/11 VCF determining that the victim "has met the eligibility criteria established in the statute and regulations."

Court's previous orders. This Proposed Order and exhibits thereto contain pain and suffering damages reflecting the amounts previously awarded to those killed as a result of the September 11th Terrorist Attacks, and *solatium* damages reflecting the amounts previously awarded to relatives of those killed as a result of the September 11th Terrorist Attacks.

8. Accordingly, I respectfully request that this Court grant the Proposed Order submitted simultaneously herewith.

Dated: January 14, 2020

/s/ Barry Salzman
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